

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROSS SCHUCKER, EDWARD FRYAR, VIRGILIO  
VALDEZ, TOM SHAFFER, STEVEN HEINRICH and  
SHANE BOWER on behalf of themselves and all other  
employees similarly situated,

PLAINTIFFS,

v.

FLOWERS FOODS, INC., LEPAGE BAKERIES  
PARK STREET, LLC, C.K. SALES CO., LLC and  
JOHN DOE 1-10,

DEFENDANTS.

Case No. 16-cv-3439 (KMK) (PED)

**ECF CASE**

**DECLARATION OF MATTHEW W. LAMPE IN OPPOSITION TO PLAINTIFFS'  
MOTION FOR CONDITIONAL CERTIFICATION AND JUDICIAL NOTICE**

I, Matthew W. Lampe, declare and state as follows:

1. I am a partner with the law firm Jones Day, and counsel of record for Defendants Flowers Foods, Inc., Lepage Bakeries Park Street, LLC, and C.K. Sales Co., LLC (“Defendants”). I am familiar with the facts and circumstances set forth herein and make this declaration in support of Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Conditional Certification and Judicial Notice.

2. I have obtained from Defendants a list of all independent distributors who have owned a distributorship that operated in the State of New York at any time since May 10, 2013, three years before the date the Complaint in this matter was filed (“*Schucker* Proposed Notice List”).

3. I have reviewed the list provided to plaintiffs’ counsel in *Neff et al. v. Flowers Foods, Inc.*, No. 5:15-cv-254 (D. Vt.) containing the names of independent distributors to receive

notice (“*Neff* List”). I have also reviewed the list provided to plaintiffs’ counsel in *Carr et al. v. Flowers Foods, Inc.*, 2:15-cv-06391 (E.D. Pa.) containing the names of independent distributors to receive notice (“*Carr* List”). Of the 95 individuals on the *Schucker* Proposed Notice List, 19 of them were on both the *Neff* and the *Carr* Lists, 38 of them were exclusively on the *Neff* List, and 37 of them were exclusively on the *Carr* List. Of the 95 individuals on the *Schucker* Proposed Notice List, 94 were on either the *Neff* List or the *Carr* List, or on both lists.

4. I have also reviewed the consent forms that have been filed on the dockets in *Neff et al. v. Flowers Foods, Inc.*, No. 5:15-cv-254 (D. Vt.) and *Carr et al. v. Flowers Foods, Inc.*, 2:15-cv-06391 (E.D. Pa.). Of the 94 individuals on the *Schucker* Proposed Notice List who received notice in either *Neff* or *Carr*, 21 have filed consents to join either *Neff* or *Carr*, and 11 have filed consents to join both *Neff* and *Carr*.

5. Attached as Exhibit A is a true and correct copy of relevant excerpts from the Deposition of Virgilio Valdez.

6. Attached as Exhibit B is a true and correct copy of relevant excerpts from the Deposition of Ross Schucker.

7. Attached as Exhibit C is a true and correct copy of relevant excerpts from the Deposition of Steven Heinrich.

8. Attached as Exhibit D is a true and correct copy of relevant excerpts from the Deposition of Shane Bower.

9. Attached as Exhibit E is a true and correct copy of relevant excerpts from the Deposition of Thomas Shafer.

10. Attached as Exhibit F is a true and correct copy of relevant excerpts from the Deposition of Edward Fryar.

This declaration is made in accordance with 28 U.S.C. § 1746 and I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 7th day of April 2017.

*s/ Matthew W. Lampe*

Matthew W. Lampe